

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DAVID LEE HUDDLESTON,

Plaintiff,

No. 2:18-cv-1075-JB-KRS

v.

SUSANA MARTINEZ; JOHN MONFORTE;  
and ANTHONY MOYA,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE MOTION FOR WITHDRAWAL  
AND SUBSTITUTION OF COUNSEL**

**THIS MATTER** comes before the Court on counsel for Defendants’ motion to withdraw and substitute attorneys. (Doc. 17). Counsel presumes the motion is opposed because *pro se* Plaintiff did not respond to their efforts to seek concurrence. The response time has elapsed, and Plaintiff has not filed an opposition. Despite Plaintiff’s failure to respond, the Court denies counsel’s motion without prejudice.<sup>1</sup>

The Court’s Local Rules set forth the procedure for an attorney to withdraw. Where the filing is uncontested, the motion to withdraw “must [among other requirements] indicate consent of the client represented by the withdrawing attorney[.]” D.N.M. LR-Civ. 83.8(a). If contested, as here, “[t]he attorney must file and serve on all parties, including the client, a motion to withdraw” and “give notice in the motion that objections must be served and filed within fourteen (14) days from the date of service of the motion and failure to object within this time constitutes consent to grant the motion.” D.N.M. LR-Civ. 83.8(b). As reflected in their motion, Defendants’ attorneys have not complied with the Local Rules.

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<sup>1</sup>Despite the motion’s deficiency, attorneys Salganek and Bebeau are attorneys of record for Defendants because they entered their appearance as required by the Local Rules. The issue here is the withdrawal of counsel.

**IT IS, THEREFORE, ORDERED** that Defendants' counsel's motion to withdraw is **DENIED without prejudice**. Defendants' counsel shall file a motion that complies with the Local Rules.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive style with a horizontal line underneath it.

KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE